

GRAND JURY CAN RID THE CITY OF DANGEROUS MEN.

Circuit Court Judges Agree That It Lies Within the Province of That Body to Enforce the Habitual Criminal Act.

SOME LIFE SENTENCES AS A WARNING.

This Action Would Cause Burglars and Footpads to Forsake St. Louis for a Place Where Laws Are Less Rigid and the Officials Lax.

The presence in this city of numerous habitual criminals, who seem to have no terror of peace officers or the law, requires immediate action at the hands of grand juries and the criminal courts. Footpads and burglars have worked away at their pleasure and leisure, passing in procession before the constituted authorities with but small interference. Arrests are frequent, it is true, but the rock-pile is generally the punishment inflicted and from the rock-pile they reappear in their old haunts, better prepared than ever for a resumption of their violence.

HABITUAL CRIMINAL LAW.

If any person convicted of any offense punishable by imprisonment in the penitentiary, or of petit larceny, or of any attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in the penitentiary, shall be discharged, either upon pardon or upon compliance with the sentence, and shall subsequently be convicted of any offense committed after such pardon or discharge, he shall be punished as follows: First, if such subsequent offense be such that, upon a first conviction, the offender would be punishable by imprisonment in the penitentiary for life, or for a term which, under the provisions of this law, might extend to imprisonment for life, then such person shall be punished by imprisonment in the penitentiary for life.

who have been convicted one or more times of criminal offenses. They seem to have fallen into a jolly round of Police Court, jail, rickshaws and freedom, beginning again with fresher and larger crimes. Under a recent decision of the Court of Appeals the police may now arrest for minor offenses without a warrant, and without having witnessed the crime. Herds of idlers and professional petty thieves are being rounded up, given hours or sent to the Workhouse. But the real terrorizing form of punishment is rarely invoked. It is only temporary relief to send hundreds of vicious characters to the Workhouse. The Workhouse is now so crowded that hundreds are turned back upon the community again by means of wholesale pardons, in order to accommodate a full share of the most dangerous element of crime. Over and over, day after day, men are before the courts of this city who have been previously convicted of crime, once or twice, or even a dozen times. For some reasons, to which a number of excuses are added, the habitual criminal law has not been rigidly enforced and criminals with records a yard long are let off with sentences when they could be gotten rid of for life. Here and there in the long procession of vicious persons a man with no friends and a general outcry against him is given the limit of the law, but as a rule few indictments are found under the second offense law and fewer prosecutions successfully pressed. Once given the habitual criminals of this city to thoroughly understand that for every second crime they will have their punishment quadrupled or extended to life imprisonment and there will be a conspicuous reduction in offenses against the law. Long sentences to the penitentiary for the first offense should be the penalty wherever and whenever second convictions are obtained and often this is done the familiar faces of thugs and thieves will disappear from the prisoners' docks of the city's courts. I am of the opinion," says Judge William Zachritz of the Criminal Court, "that a rigid enforcement of the habitual criminal law would tend greatly to the decrease of crime. If I do not know that it would have any special effect upon our crowded jail and workhouse, but it would commit to the penitentiary for long terms of years many of the desperate characters who now infest the city as highwaymen and burglars, dangerous to life and property. It is for the grand jury to say who shall be indicted as being habitual criminals. The proof should be presented to them plainly, and then it is the duty of citizens sitting as jurors to pass upon the evidence. Jurors are influenced sometimes by individual cases of hardship, as where they inflict a strong punishment for the actual second crime and are then moved to leniency on the accumulative charge of habitual criminal behavior. "Jurors have in several instances acquitted men of being habitual criminals after having convicted the prisoner of a second offense. The law is there. I think the courts will do their duty. It rests largely with public sentiment, as represented in the grand and petit juries, to carry the enforcement of the law forward to completion." Judge Filbert of the Criminal Division of the Circuit Court says, with judicial caution:

A SENATORIAL CANDIDATE THAT IS NEVER BEATEN.



BOATING PARTY DROWNED. Seven Lives Lost, Including a German and an American Consul.

COLON, Jan. 17, via Galveston, Tex.—A boating party, consisting of the United States Consul, W. W. Ashby; Dr. Hafemann, the German Consul; Master Mechanic Mott and four others are supposed to have been drowned. The body of the boatman has already been recovered.

"TRAMP" BERRY IS NO MORE.

The Reputed Millionaire's Leg Was Broken and He Never Recovered.

Berry was born at Gloversville, N. Y. When he was 15 years old he ran away from home and was gone 31 years. He drifted all around the country, doing anything that came handy that was not criminal. Much of his time was spent in Illinois. A good many years ago he ran a saloon in Chicago, Burlington & Quincy, and after that spent much time in the vicinity of Vernon, Ill. With the aid of Henry Thompson, a bartender, he purchased a pruning outfit and made a little money in Southern Illinois counties as a nursery trimmer. Early last spring, according to his own account, he was herding cattle in Texas near the Mexico line. All of a sudden and unaccountably, after an absence of three decades, he became homesick and started to "hobo" his way back to New York. He found that his father, a physician, was dead, and that his brother, then wealthy, resided in New York City. Berry made himself known and was let into his share of the estate. The exact amount he would never reveal.

GENERAL JAIL DELIVERY. A Dozen Men, Including Dick Brandt, Escape From Bentonville, Ark.

SILVER SPRING, Ark., Jan. 17.—Through a wholesale jail delivery at Bentonville last night a dozen prisoners gained their liberty. Among them was the notorious Dick Brandt, supposed train robber, burglar, horse thief and murderer. He is wanted in Texas and Indian Territory. Two other prisoners with criminal records were Jim Merrill and Lum Carter. They battered down one of the prison doors and made good their escape. Brandt stole a horse just outside the town limits and made for the Indian Territory. He is a desperate man and is supposed to belong to a gang of Territory train robbers. Officers are in pursuit.

FIRED AT THE BURGLARS.

Fred Whoff Didn't Wait for the Men to Rob Him.

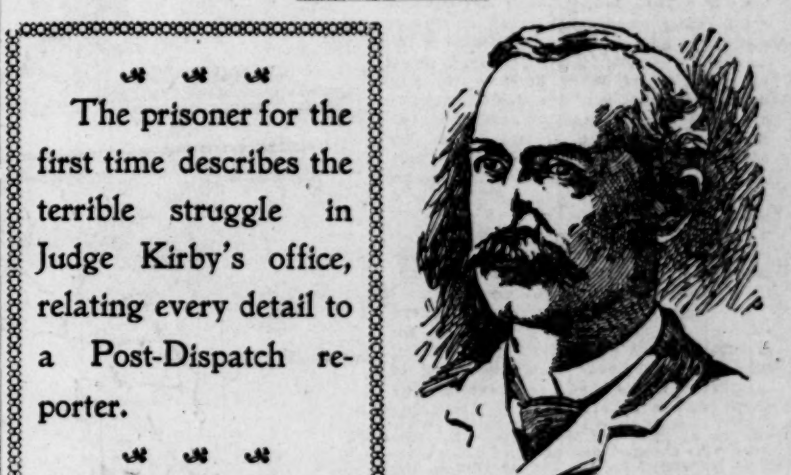
Fred Whoff of 5321 Magnolia avenue believes in the extermination of burglars at all hazards. About 3 o'clock Monday morning Whoff saw two men prowling around in the rear yard of his premises. He promptly fired half a dozen shots at them. The men fled.

CHICAGO DRIFTING BACKWARD.

An Old Heathen Religion Taking Root There. CHICAGO, Jan. 17.—A faith, practically a novelty in the New World, but which has existed in the Orient since long before the Christian Era, the Abrahamite doctrine, is soon to have a place of worship in Chicago. The new church will be called the "First Assembly." Dr. Abraham G. Kheiralla, the only preacher of the Abrahamite faith in America, came to Chicago from New York some time ago, and soon had a number of students who, in time, became converts to the Syrian religion taught by the man from the Orient. His converts in this city now number 80. The new religion, according to its apostle, differs from all other faiths in three particulars. These particulars the doctor outlines as follows: "No blind acceptance of anything is required. The teacher cannot receive remuneration, as he believes the truth should be free. Only true seekers are taught, not the masses."

DEFENSE OF A MAN WHO STABBED ANOTHER OVER A HUSBAND'S WIVES.

Charles L. Draper's Plea in Extenuation for the Murder of Charles L. Hastings Is Dual—His Attorneys Urge Self-Defense and Also Insanity.



The prisoner for the first time describes the terrible struggle in Judge Kirby's office, relating every detail to a Post-Dispatch reporter.

All Jacksonville Wants the Man Convicted, and the Feeling There Is Intense—Six Prominent Lawyers Are Fighting for His Life, and Five Are Working on Behalf of the State.

The trial of C. L. Draper for the murder of C. L. Hastings was resumed at Jacksonville, Ill., Monday morning. The State's case was closed Friday evening. A recess was taken to Monday to permit the attorneys for the defense to confer and prepare. The real battle for Draper's life will be fought this week. It will be a battle royal. A sextet of the greatest criminal lawyers in the West will struggle to draw the accused man back from the shadow of the gallows. Pulling against them will be a quintet of lawyers less distinguished, but strong and able men, and a community which demands an eye for an eye. No man ever took the life of another and had fewer apologies at his own home and among his own friends than C. L. Draper. "The People vs. C. L. Draper" is not a mere legal form in his case. The issue is clearly joined. It is between the people of Jacksonville and C. L. Draper. Jacksonville is a wealthy and cultured city. Personal and civic pride are marked. The people abhor crime committed in the city as though it were done in their homes. They feel a personal resentment toward the man who violates the peace and dignity of the community. The circumstances surrounding the killing of Hastings were so horrible that although almost a year has passed since the tragedy they cannot be recalled without a shudder. Jacksonville, the seat of culture, became Jacksonville, the scene of crime. Draper killed Hastings and brought to the city a shameful fame. The city demands his life. So strong and general is the belief in his guilt that few who believed him innocent have had the courage to say so. His attorneys urged this prejudice as cause for a change of venue, for which they petitioned the court. Judge Shirley did not grant it. The defendant's attorneys could only get a few to the contrary. They found scores of people who freely admitted the existence of strong prejudice, but who would not hurt in business or socially. "It was the excuse given for refusing to sign affidavits. It was the work of several days to get a jury. The taking of testimony began last Tuesday. In his opening address to the jury Col. D. P. Dyer outlined a "double-barreled" defense. The main purpose of the attempt to prove Draper mentally irresponsible is to keep the jury out of the office of Judge Kirby the night of the tragedy. The fact that Draper was a trespasser in the office has weighed more heavily against him than anything else occurred anywhere else. "If that fight had occurred anywhere else," said Attorney Dyer Monday, "Draper would never have been indicted for murder. The skill of the defense will be exerted this week to remove the bad effect of this circumstance. The excuse offered for the presence of Draper in Hastings' office will be that he was urged with dexterity and eloquence. Draper will be depicted as a man whose troubles and persecutions, real or imagined, had unbalanced his mind to the extent of inducing a conviction that, while the books in the office belonged to Judge Kirby, his contents on which he had worked like a slave, if of the best years of his life, were his, and so firmly did he believe this, it will be contended, that although a religious man, and a man whose integrity had never been questioned, he thought it no wrong to open locked doors and go through the combination of a safe in order to get to them and use them to make a living for his family. 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